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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MAXIMILIAN KLEIN, et al.,

Plaintiffs,

v.

META PLATFORMS, INC., a Delaware
Corporation,

Defendant.

Case No. 3:20-cv-08570-JD

JOINT PRETRIAL STATEMENT

Judge: Hon. James Donato

Date: September 25, 2025

Time: 1:30 p.m.

Courtroom: 11

In accordance with Paragraph 3 of this Court's Standing Order for Civil Jury Trials, the Parties hereby submit this Joint Pretrial Statement. Pending before the Court are:

- Meta's Motion for Summary Judgment (Dkt. 926)
- Meta's Motions to Exclude Plaintiffs' Experts, Nicholas Economides, Joseph Farrell, and Sarah Lamdan, (Dkts. 928, 930, 932)
- Plaintiffs' Motions to Exclude Meta's Experts, Dennis Carlton and John List (Dkts. 934, 936)
- Plaintiffs' Proffer of Sarah Lamdan (Dkt. 820-1) and Meta's corresponding Conditional Proffer of Anindya Ghose (Dkt. 822).

Resolution of these motions may affect the nature and scope of the issues to be tried. The Parties do not intend to waive any rights or arguments by submitting this Joint Pretrial Statement.¹

I. SUBSTANCE OF THE ACTION

This litigation involves claims brought by individual users of Meta's service, Facebook. Plaintiffs bring their claims against Meta under Section 2 of the Sherman Act (15 U.S.C. § 2 *et seq.*). Plaintiffs seek damages, injunctive relief, and/or other equitable relief.

A. The Parties

The Plaintiffs are: Maximilian Klein, Sarah Grabert, and Rachel Banks Kupcho.

The Defendant is Meta Platforms, Inc.

B. Plaintiff's Statement Regarding the Substance of Their Claims

Plaintiffs assert two causes of action under Section 2 of the Sherman Act: (1) monopolization (Count I); and (2) attempted monopolization (Count II).

Plaintiffs contend that Facebook maintained a monopoly in the Personal Social Networking Services (PSN or PSNS) Market by deceiving the market about its data and privacy practices. Plaintiffs assert that privacy and data are important dimensions of competition and that Facebook's deception on those very subjects destroyed competition from rivals like Myspace, Google+, MeWe, and Snapchat. In a *but-for* world where Facebook competed fairly, consumers would enjoy

¹ The Parties reserve all rights, including to modify positions in this Joint Pretrial Statement and remove any Parties or claims and defenses, as necessary, including after any of the pending motions are decided.

1 more personal social networks to choose from, better data practices and other service quality from
2 those networks, and a competitive level of compensation—either monetary or in-kind—for the
3 data they provide. Facebook’s deception prevented that world from coming into being, causing
4 classic antitrust injury and damages.

5 **C. Meta’s Statement Regarding the Substance of Plaintiffs’ Claims and Meta’s**
6 **Defenses**

7 The only claim properly before the Court is Plaintiffs’ monopoly maintenance claim.
8 Plaintiffs have abandoned their monopoly acquisition and attempted monopolization claims, and
9 explained that their only theory is that Meta unlawfully maintained an alleged monopoly. Dkt.
10 952-1 at 21 (“Consumers’ damages claims are based on Facebook’s monopoly *maintenance*
11 between December 2016 and December 2020.”). Section 2 of the Sherman Act does not permit
12 “attempted monopoly maintenance” claims.

13 Either way, Plaintiffs will not sustain their claims at trial, for at least four reasons.

14 **First**, Plaintiffs will not be able to demonstrate a valid antitrust product market in which
15 Meta has monopoly power. Meta offers its hundreds of millions of United States users valued
16 features and engaging content in competition against numerous other online platforms. It provides
17 these services for free—and always has—because it runs a multi-sided business model where it
18 must offer a high-quality user experience to compete for user engagement that it can monetize by
19 selling advertising. Meta’s fiercest competitors for that engagement (including, e.g., TikTok, and
20 YouTube) use the same business model. Meta’s users come to its Family of Apps, like Facebook
21 and Instagram, because of its content; Meta is incentivized to continually innovate to improve that
22 experience because if it did not, users would readily switch to TikTok, YouTube, and other places
23 where they can get a similar experience and find the same content. Users of these “social apps”
24 are not interested in making money, they are looking to be entertained or to pass the time. Paying
25 users would not keep users from switching to Meta’s rivals and would distort users’ incentives to
26 join the platform; unengaged users motivated only by payments would lead to a worsened user
27 experience and the potential unraveling of the platform altogether.

1 Plaintiffs’ alleged “personal social networking services” market—which is the only market
 2 they have proposed, and thus the market they must prove—fails to include social apps, like TikTok,
 3 YouTube, iMessage, and others, from which Meta faces intense competition. For example, videos
 4 from a variety of sources and content producers are shared, posted, and viewed on Facebook; those
 5 same videos can be (and are) shared, posted, and viewed on X (formerly Twitter), YouTube,
 6 Snapchat, and TikTok, as well as other online platforms. Meta has continuously innovated and
 7 diversified its product offerings over the years with entertaining and informative content and
 8 features to compete with these similar social apps. Unsurprisingly, Plaintiffs’ experts are unable
 9 to define the contours of a coherent market for personal social networking services (“PSNS”) that
 10 relies on friends and family sharing, because, among other reasons, Meta’s features and services
 11 have evolved and innovated to focus primarily on unconnected sharing, most prominently video
 12 content, to remain competitive with emerging apps. Meta’s experts confirm the PSNS market
 13 defined by Plaintiffs is contradicted by economic realities. Multiple large-scale studies
 14 demonstrate that when users reduce engagement on Facebook and Instagram, they divert their time
 15 and attention to applications outside of the proposed PSNS market, including largely to YouTube
 16 and TikTok. Thus, Plaintiffs’ narrow “PSNS” market fails to reflect the commercial reality that
 17 Meta faces close competition from YouTube and TikTok among many other social apps; in a
 18 properly defined market, it is obvious that Meta is not a monopolist.

19 **Second**, Plaintiffs will also not be able to demonstrate that Meta unlawfully monopolized
 20 their alleged PSNS market in the United States. Plaintiffs’ sole theory of exclusionary conduct
 21 rests on alleged deception. As Plaintiffs have previously admitted, “[t]he test that applies to the
 22 case that the [Plaintiffs] have brought ... is under a Ninth Circuit [case] called *Harcourt Brace*.”
 23 Dkt. 788, Apr. 18, 2024 Hr’g Tr. 9:10-18. The Ninth Circuit explained in *Am. Pro. Testing Serv.,*
 24 *Inc. v. Harcourt Brace Jovanovich Legal & Pro. Publ’ns, Inc.*, that Plaintiffs must show “all six”
 25 of the following factors are met with respect to allegedly deceptive conduct to overcome a
 26 presumption that it had a “de minimis” effect on competition: “[1] clearly false, [2] clearly
 27 material, [3] clearly likely to induce reasonable reliance, [4] made to buyers without knowledge of
 28 the subject matter, [5] continued for prolonged periods, and [6] not readily susceptible of

1 neutralization or other offset by rivals.” 108 F.3d 1147, 1152 (9th Cir. 1997). If Plaintiffs overcome
2 this presumption, they must further show that the alleged deception had “a significant and enduring
3 adverse impact on competition itself in the relevant market[.]” *Id.* Plaintiffs cannot do so.

4 Meta has never deceived users about its data collection practices. Meta and other social
5 apps access user data with users’ consent to improve their product offerings. Meta has disclosed
6 its privacy policies and data collection practices in its privacy and data use policies. And none of
7 Meta’s statements had anything to do with users’ decisions to choose Meta’s platforms over its
8 rivals. The individual plaintiffs admitted that such representations did not play a role in their
9 decisions to use Meta’s services. Nor are Plaintiffs able to connect any of the supposed statements
10 or omissions to any harm to competition. Rather, Meta’s success was earned on the merits, as
11 Plaintiff’s expert concedes. Early rivals, like Myspace and Google+, failed because they offered
12 inferior services, not because of Meta’s privacy representations. As new competition has emerged,
13 Meta has vigorously competed through innovation, not via misrepresentations about its data use.
14 As Plaintiffs’ expert Ms. Lamdan candidly explained, people do not use Facebook because of its
15 statements about its privacy and data use practices.

16 ***Third***, Plaintiffs’ theory of injury is, if anything, even more specious. Meta has never paid
17 users to use its services; nor has any other social platform that features user-generated content.
18 Plaintiffs’ contention that Meta would have paid them to use Facebook—the sole theory of injury
19 upon which Plaintiffs’ claims have been based for the nearly five-year course of this litigation—
20 is “nothing more than a fanciful application of economic theory untethered to real-world evidence”
21 about how such applications operate. Dkt. 905 at 8. Plaintiffs and their experts have identified no
22 firm (let alone any social app) that pays all of its users for consuming user-generated content
23 online. And while never raising its prices above zero, output has surged not only within Meta’s
24 features but also among new firms that have emerged and grown. TikTok, YouTube, Snapchat,
25 and others have all grown, adding new features that constrain competition for user time and
26 attention and which Meta responded to through its own innovations, such as the introduction of
27 Reels and its recommendation systems. Plainly, Plaintiffs were not injured because Meta (or
28 anyone else) would not have developed the payment scheme that Plaintiffs propose.

1 Plaintiffs will also not be able to demonstrate antitrust injury as a matter of fact or law.
2 Meta has never charged any price, let alone a supracompetitive price, for its services. Plaintiffs
3 cannot substantiate their implausible theory that Meta would pay all its users to use its services.
4 Nor can Plaintiffs establish that a failure to pay users was caused by any alleged deception; there
5 is no direct—or even close—link between the challenged statements and any harm to Plaintiffs or
6 adverse impact on Meta’s competitors or competition more broadly. Plaintiffs’ last-minute
7 alternative theory, that the challenged conduct deprived them of a “better” version of Facebook,
8 was invented only after this Court granted Meta’s motion to exclude the injury-related testimony
9 of Professor Economides and denied class certification. Plaintiffs should not be allowed to pursue
10 this theory at trial, which in any event is not supported by any evidence. Plaintiffs therefore not
11 only cannot prove their claims on the merits, they are also not entitled to damages. And for the
12 same reasons Plaintiffs cannot demonstrate that they suffered an antitrust injury, they cannot show
13 that they face the impending threat of such an injury. For that reason, and because Plaintiffs cannot
14 show that Meta currently possesses monopoly power, Plaintiffs are not entitled to any injunctive
15 relief.

16 ***Finally***, even if Plaintiffs could overcome all those substantive defects in the Section 2
17 claims here, those claims are untimely. Plaintiffs filed their lawsuit in 2020—***fourteen years*** after
18 the alleged “uniform and prolonged deception regarding [Meta’s] data collection and use
19 practices” supposedly began in 2006. Dkt. 648 at 1. Plaintiffs acknowledge that their claims are
20 facially untimely and so rely on the continuing-violation doctrine to claim entitlement to damages
21 arising out of Meta’s conduct from December 3, 2016 through December 3, 2020. Dkt. 952-1 at
22 21-25. But Plaintiffs have not identified any allegedly deceptive conduct that caused them a new
23 injury that was not merely a reaffirmation of the supposed injury that Plaintiffs allege they suffered
24 before the limitations period, nor will they be able to prove the existence of any such conduct at
25 trial.

26 **II. REQUESTED RELIEF**

27 **A. Plaintiffs’ Requested Relief**

28 Plaintiffs seek the following relief:

1 • Judgment for Plaintiffs and against Facebook on Plaintiffs' claims for
2 monopolization (Count I) and attempted monopolization (Count II).

3 • Compensatory damages (approximately \$240.00 per Plaintiff), subject to trebling.

4 • An award of attorneys' fees, costs, and expenses.

5 • An injunction prohibiting Facebook's anticompetitive and unfair conduct and
6 mandating that Facebook take all necessary steps to cease such conduct and restore competition in
7 the personal social network market.

8 • Any further relief that the Court may deem just and fair.

9 **B. Meta's Requested Relief**

10 A judgment for Meta on all of Plaintiffs' claims.

11 **III. UNDISPUTED FACTS**

12 The parties continue to meet and confer regarding any facts to which the parties will
13 stipulate for incorporation into the trial record without the necessity of supporting testimony or
14 exhibits.

15 **A. Parties**

16 1. Defendant, Meta Platforms, Inc., is a Delaware corporation with its principal place
17 of business located at 1 Hacker Way, Menlo Park, California. Meta was founded as Facebook,
18 Inc. in 2004 by Mark Zuckerberg. In October 2021, Facebook, Inc. changed its name to Meta
19 Platforms, Inc.

20 2. Plaintiff Maximilian Klein is a natural person and citizen of the State of New York.

21 3. Plaintiff Sarah Grabert is a natural person and citizen of the State of Illinois.

22 4. Plaintiff Rachel Banks Kupcho is a natural person and a citizen of the State of
23 Minnesota.

24 **B. Stipulated Facts Regarding the Parties' Claims**

25 5. Meta operates a Family of Apps, including Facebook, Instagram, Messenger, and
26 WhatsApp that are offered to users, including in the U.S.

27 6. The Facebook website was launched in 2004.

28 7. In 2008, the Facebook app for iOS was launched, with the app for the Android

mobile operating systems launched a year later, in 2009. An “app” is a software program that runs on a mobile device and adds specific functionalities and features to a mobile device.

8. Meta acquired Instagram and the Instagram app in 2012.

9. Plaintiff Klein has had a Facebook account since at least 2006 and an Instagram account since 2016.

10. Plaintiff Grabert has had a Facebook account since at least 2007 and an Instagram account since at least 2010.

11. Plaintiff Banks Kupcho has had a Facebook account since at least 2008. Plaintiff Banks Kupcho also has an Instagram account.

IV. DISPUTED FACTUAL ISSUES

1. Whether there is a relevant market for “personal social networking services” (PSNS) in the United States.

2. Whether Meta possesses monopoly power in a relevant antitrust market.

3. Whether Meta deceived Plaintiffs regarding its privacy practices.

4. Whether Plaintiffs must demonstrate, and whether each of Meta’s allegedly deceptive statements, omissions, and practices was clearly false, clearly material, clearly likely to induce reasonable reliance, made to users without knowledge of the subject matter, continued for prolonged periods, and not readily susceptible of neutralization or other offset by rivals, and if so whether each had a significant an enduring adverse impact on competition itself in the alleged relevant market.

5. Whether Meta willfully acquired or maintained monopoly power in a PSNS market in the United States by engaging in anticompetitive conduct.

6. Whether Plaintiffs suffered an antitrust injury.

7. Whether Meta had a specific intent to achieve monopoly power in a PSNS market in the United States.

8. Whether there was a dangerous possibility that Meta would achieve its goal of monopoly power in a PSNS market in the United States.

9. Whether the alleged anticompetitive conduct resulted in procompetitive benefits.

1 10. If the alleged anticompetitive conduct resulted in procompetitive benefits, whether
2 there was a substantially less restrictive alternative available.

3 11. Whether any competitive harms on balance substantially outweigh the
4 procompetitive benefits.

5 12. Whether Plaintiffs' claims are time barred.

6 13. Whether Plaintiffs are entitled to damages.

7 14. Whether Plaintiffs are entitled to any form of equitable relief.

8 15. Whether Plaintiffs are entitled to any form of injunctive relief.

9 **V. DISPUTED LEGAL ISSUES**

10 The Parties incorporate by reference the disputed legal issues raised in their respective
11 briefs filed in connection with Meta's pending motion for summary judgment. Dkt. 926.

12 1. The applicable legal standard for evaluating whether Meta's allegedly deceptive
13 statements and omissions were anticompetitive.

14 2. Whether plaintiffs have established a relevant market for personal social
15 networking services in the United States.

16 3. Whether, if a relevant market for personal social networking services in the United
17 States is cognizable, Meta has monopoly power in that market.

18 4. Whether Meta caused antitrust injury to the plaintiffs.

19 5. Whether the evidence establishes entitlement to any form of equitable relief.

20 6. Whether the evidence establishes entitlement to any form of damages, including
21 whether individuals may recover monetary damages under the antitrust laws.

22 7. Whether the evidence establishes entitlement to any form of injunctive relief
23 including whether the doctrine of laches bars plaintiffs' claims for injunctive relief.

24 8. Whether plaintiffs' claims are timely under the four-year limitations period in 15
25 U.S.C. § 15b.

26 **VI. STIPULATIONS**

27 The Parties stipulate that:

28 1. The parties shall be precluded from introducing evidence, testimony, or

1 argument—or attempting to elicit testimony—concerning discovery disputes dispositive motion
2 practice, or dismissed class allegations. Plaintiffs will only pursue claims at trial based on Meta’s
3 alleged anticompetitive deception, and will not pursue the “Copy, Acquire, Kill” theory dismissed
4 without prejudice in Dkt. 214..

5 2. The parties shall be precluded from introducing evidence, testimony, or
6 argument—or attempting to elicit testimony—that raises, references, suggests, or refers to
7 religious or political beliefs or interests, race, ethnicity, gender, national origin, sexual orientation
8 or practices, or health (including but not limited to vaccination status) of a party to this litigation
9 (including any employees, directors, or agents of a party to this litigation), witness, expert,
10 attorney, or law firm.

11 3. The parties shall be precluded from introducing evidence, testimony, or
12 argument—or attempting to elicit testimony—regarding the size of the parties’ law firms, the
13 clients of those law firms, or the number of attorneys representing the parties.

14 4. The parties shall be precluded from introducing evidence, testimony, or
15 argument—or attempting to elicit testimony—referring to the role or presence in the courtroom of
16 jury consultants or shadow jurors, or the use of focus groups or mock proceedings to assist with
17 trial preparation, jury selection, or trial.

18 5. The parties shall be precluded from introducing evidence, testimony, or
19 argument—or attempting to elicit testimony—concerning any individual’s personal wealth or
20 compensation. This stipulation does not preclude questioning about whether Meta witnesses own
21 stock in Meta for the limited purpose of establishing potential bias.

22 6. The parties shall abide by the terms of the previously agreed upon proposed
23 evidentiary stipulation at Dkt. 540, in which they agreed:

24 1) Except as otherwise provided in paragraphs 3, 4, and 5 below, the Parties agree
25 that, for the purposes of Rule 901 of the Federal Rules of Evidence, they will not object on
26 authenticity grounds to any document or thing produced from the files of a Party bearing
27 such Party’s Bates numbers and produced in response to another Party’s discovery requests
28 in this litigation, including such documents originally produced from that Party’s files to

1 the Federal Trade Commission or other governmental authorities.

2 2) Except as otherwise provided in paragraphs 3, 4, and 5 below, the Parties agree
3 that, for the purposes of Rule 901 of the Federal Rules of Evidence, they will not object on
4 authenticity grounds to any document or thing produced from the files of a Non-Party in
5 this litigation.

6 3) The agreements in Paragraphs 1 and 2 do not apply to handwritten notes or
7 documents. If a document or thing produced by a Party bears handwritten notes, the Parties'
8 agreement does not apply to the handwritten portion of the document but does apply to the
9 remainder of the document or thing.

10 4) If a Party has a good-faith belief based upon evidence that a document or thing
11 listed on another Party's exhibit list is not what it purports to be, or that a specific document
12 includes pages that are not part of the document, the Party shall advise the other side of
13 that challenge after receipt of the other side's proposed exhibit list for trial. The Parties will
14 negotiate in good faith to resolve such an objection. In the event that a good-faith dispute
15 arises regarding the authenticity of a document or thing, the Parties agree to meet and
16 confer in good faith promptly about the authenticity of such document(s) and thing(s), and,
17 if necessary, to expedite any related motions for resolution by the Court. In the event that
18 a good-faith dispute arises, the Parties agree that they will not object to reasonable, good-
19 faith efforts to establish authenticity of contested documents on the basis of timeliness.

20 5) Nothing in this Stipulation establishes the admissibility of any document nor
21 shall it be taken to mean that any Party has accepted any characterization other than those
22 to which the parties have specifically stipulated. The Parties hereby expressly reserve the
23 right to object to the admissibility of any document or thing under any grounds permitted
24 by law and not expressly addressed herein.

25 7. The parties shall abide by the terms of the previously agreed upon proposed
26 evidentiary stipulation at Dkt. 541, in which they agreed:

27 1) Except as otherwise provided in paragraphs 2, 3, and 4 below, the Parties agree
28 that they will not object to the admissibility of any documents produced in this litigation

1 by a Party or Non-Party to this action on the basis that those documents do not qualify as
2 business records within the meaning of Rule 803(6) of the Federal Rules of Evidence unless
3 the Party opposing admission of such a document into evidence shows that it does not
4 satisfy the criteria of Rule 803(6).

5 2) Embedded hearsay, or hearsay within hearsay, contained in a document that
6 qualifies as a business record pursuant to this Stipulation must separately satisfy an
7 exception to the hearsay rule in order to be admissible into evidence, as provided in Rule
8 805 of the Federal Rules of Evidence.

9 3) If a Party has a good-faith belief based upon evidence that a document listed on
10 another Party's exhibit list does not satisfy the criteria of Rule 803(6), the Party shall advise
11 the other side of that challenge after receipt of the other side's proposed exhibit list for
12 trial. The Parties will negotiate in good faith to resolve such an objection. In the event that
13 a good-faith dispute arises regarding whether a document qualifies as a business record,
14 the Parties agree to meet and confer in good faith promptly about such document(s), and,
15 if necessary, to expedite any related motions for resolution by the Court. In the event that
16 a good-faith dispute arises, the Parties agree that they will not object to reasonable, good-
17 faith efforts to establish whether a contested document qualifies as a business record on the
18 basis of timeliness.

19 4) Nothing in this Stipulation establishes the ultimate admissibility of any
20 document apart from the Rule 803(6) hearsay rule exception, nor shall it be taken to mean
21 that any Party accepts any characterization of a document other than that to which the
22 parties have specifically agreed in this Stipulation. The Parties hereby expressly reserve
23 the right to object to the admissibility of any document under any grounds permitted by
24 law and not expressly addressed herein.

25 8. Except for expert witnesses, a designated corporate representative of Meta, and
26 plaintiffs, witnesses will be excluded from the courtroom during trial until they are called and
27 excused.

28 9. The parties will not present evidence or arguments pertaining to plaintiffs'

representation agreements with counsel or as to counsel's potential compensation, such as that compensation for plaintiffs' counsel may be based on a contingent-fee arrangement and/or that plaintiffs' counsel may advance fees and costs for the litigation.

10. The parties will not make references to, or present evidence of, the ability of plaintiffs to seek treble damages, attorneys' fees, and costs under the Clayton Act.

VII. BIFURCATION

The Parties agree that the damages claims of all Plaintiffs should be tried to the jury together with issues of liability, and that the timing and format of any trial, hearing, or other proceeding on equitable relief (if any such proceeding is necessary) should be decided after the jury trial concludes.

VIII. SETTLEMENT

The Parties have not reached any agreements to settle any of the claims in this case.

IX. ESTIMATE OF TRIAL LENGTH

A. Trial Length

1. Joint Statement

The Parties agree that these time limits will include all components of each side's presentation, witness examinations, and the presentation of deposition or written discovery designations to the jury.

2. Plaintiffs' Position

Plaintiffs estimate a trial will take approximately 40 hours per side (for a total of 80 hours).

Meta's proposed trial length is unrealistic given the realities of an antitrust case, including the potential need to define a market and show injury to that market through Facebook's deception over its data and privacy practices.

Facebook itself seems to agree about the complexity of this case, as it has included 1,864 exhibits on its exhibits list as relevant to the "Defense to Plaintiffs' claims"; lists *65 separate individuals* as sponsoring witnesses for these exhibits (although it neglects to include the vast majority of these on its witness list); and estimates that it will need 31 hours just to examine witnesses called by Plaintiffs.

1 3. Meta's Position

2 Meta recommends a trial length of 10 trial days or 50 total hours, inclusive of the parties'
3 opening and closing statements.

4 Plaintiffs' proposal for 80 hours of total trial time exceeds the needs of this case and reflects
5 a failure by Plaintiffs to make reasonable efforts to try this case efficiently, as this Court's standing
6 order for civil trials instructs the parties to do. This is confirmed by Plaintiffs' witness list, which
7 unreasonably names **56** potential witnesses—including 17 non-party witnesses and nearly every
8 Meta fact witness Plaintiffs deposed. This is clearly improper given the case's narrow scope.

9 Plaintiffs' justification for the excessive trial duration they propose is conclusory and
10 simply recites certain facts Plaintiffs must prove (and inaccurately so at that—Plaintiffs *must*
11 define a valid relevant market, that is not merely a “potential” requirement). Plaintiffs' complaints
12 about the number of sponsoring witnesses on Meta's exhibit list and time estimates for questioning
13 of Plaintiffs' witnesses prove Meta's point. Plaintiffs listed an excessive number of witnesses, the
14 vast majority of which are not on Meta's appropriately tailored witness list. Obviously, if Plaintiffs
15 narrowed their witness list, the number of witnesses who could sponsor exhibits into evidence
16 would decrease. And the amount of time it would take to complete examinations of all the
17 witnesses on Plaintiffs' list merely confirms that Plaintiffs' plan to call 56 witnesses in a case about
18 a \$720 damages claim is unrealistic and unworkable.

19 Meta has proposed procedures to Plaintiffs to ensure an efficient trial concerning, among
20 other things, the exchange of narrowed witness lists closer in time to trial and the disclosure of
21 exhibits parties intend to use with a witness in advance of testimony to resolve evidentiary
22 objections. Plaintiffs have refused to engage with this proposal and even refused to include Meta's
23 proposal in this filing. Meta respectfully requests the opportunity to discuss these proposed
24 procedures and other ways to streamline the trial with the Court at the pretrial conference.

25 **B. Allocation of Trial Time**

26 The Parties agree that trial time will be evenly divided between the Plaintiffs and Meta.
27 Trial time shall be kept pursuant to the procedures set forth in Paragraph 34 of the Court's Standing
28 Order for Civil Jury Trials.

X. JUROR QUESTIONNAIRE

The parties are discussing potential suggested questions to be included in the “Case Specific Questions” section of the Juror Questionnaire and wish to discuss the process for submission and consideration of such questions with the Court at the pre-trial conference.

DATED: September 11, 2025

Respectfully submitted,

By: /s/ Shana E. Scarlett

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ATTESTATION OF SHANA E. SCARLETT

This document is being filed through the Electronic Case Filing (ECF) system by attorney Shana E. Scarlett. By his signature, Ms. Scarlett attests that she has obtained concurrence in the filing of this document from each of the attorneys identified on the caption page and in the above signature block.

Dated: September 11, 2025

By: /s/ Shana E. Scarlett

Shana E. Scarlett